

that we are entitled to basic rights and liberties, and we cherish these rights and protections afforded under our Constitution. When these rights are violated, we are quick to demand action and correction.

This is a time when we must demand action and correction. The current civil asset forfeiture laws abuse individual rights by denying basic due process.

Under current law, there are two kinds of forfeiture—criminal asset forfeiture and civil asset forfeiture. Under criminal asset forfeiture, if you are indicted and convicted of a crime, the government may seize your property if your property was used, however indirectly, in facilitating the crime for which you have been convicted.

I have no problem with that law. Not only is it a good deterrent against a number of crimes, but it does not deny anyone their Constitutional rights.

However, under civil asset forfeiture, the government can seize your property, regardless of the guilt or innocence of the property owner. The government can seize property merely by showing there is probable cause to believe that these assets have been part of some illegal activity. This means that even if there is no related criminal charge or conviction against the individual, the government may confiscate his or her property.

And property can be anything—your car, your home, your business. The government can take anything and everything premised on the weakest of criminal charges—probable cause.

Moreover, the current law gives little consideration to whether the forfeiture of the property results in a mere inconvenience to the owner, or jeopardizes the owner's business or livelihood.

To reclaim this property, no matter the inconvenience, the property owner must jump through a number of hoops.

First of which, the owner must pay a 10 percent cost bond or \$5,000, whichever is less. For low-income people or for people who have been made poor by this civil asset seizure, coming up with the money for this bond may be extremely difficult or impossible. This bond serves to discourage people from contesting the seizure.

If a property owner can come up with this money, he still has the burden of proof.

The government should have this burden. We are still "innocent until proven guilty." And under criminal law, that is the way it is. If someone is charged with a crime, the government has the burden to prove that the person is guilty.

However, under civil asset forfeiture, it is the exact opposite. The owner must prove, by a preponderance of the evidence, that either the property was not connected to any wrongdoing or the owner did not know and did not consent to the property's illegal use.

And to top it off, if the owner succeeds in reclaiming his property, the government owes him nothing for his trouble—not even an apology.

H.R. 1658 calls for reforms that protect the rights of innocent citizens while still allowing the government to pursue criminals and their property. First, H.R. 1658 puts the burden of proof, by clear and convincing evidence, onto

the government, where it should be. Second, it gives the judge the flexibility to release the property, pending the final disposition, if the confiscation of the property imposes a substantial hardship on the owner.

Under H.R. 1658, Judges also would be able to appoint counsel in civil forfeiture proceedings for our poorest citizens to ensure that they are protected from the government's exercise of power. Furthermore, property owners would no longer have to file a bond, and could sue if their property is damaged while in the government's possession.

In our haste to punish drug traffickers, Congress failed to adequately protect the rights of our citizens.

H.R. 1658 restores these protections and returns law enforcement in drug crimes to the basic tenets of criminal jurisprudence.

#### LEGISLATION TO OPEN PARTICIPATION IN PRESIDENTIAL DEBATES

#### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to open participation in presidential debates to all qualified candidates. I urge my colleagues to support this legislation.

My bill amends the Federal Election Campaign Act of 1971 to organizations staging a presidential debate to invite all candidates that meet the following criteria: the candidate must meet all Constitutional requirements for being President (e.g., at least 35 years of age, born in the United States), the candidate must have qualified for the ballot in enough states such that the candidate has a mathematical chance of receiving the minimum number of electoral votes necessary for election, and the candidate must qualify to be eligible for matching payments from the Presidential Election Campaign Fund.

This legislation will ensure that in a presidential election campaign the American people get an opportunity to see and hear from all of the qualified candidates for presidential. Staging organizations should not be given the subjective authority to bar a qualified candidate from participation in a presidential debate simply because a subjective judgement has been made the candidate does not have a reasonable chance of winning the election.

The American people should be given the opportunity to decide for themselves whether or not a candidate has a chance to be elected president. So much is at stake in a presidential election. A presidential election isn't just a contest between individual candidates. It is a contest between different ideas, policies and ideologies. At a time when our country is facing many complex problems, the American people should have the opportunity to be exposed to as many ideas, policies and proposals as possible in a presidential election campaign. My bill will ensure that this happens. It will give the American people an opportunity to hear new and different ideas and proposals on how to address the problems

facing our nation. I have confidence that the American people are wise enough to make a sound decision.

Some of the basic principles America was founded on was freedom of speech and freedom of ideas. I was deeply disappointed that in the 1996 presidential campaign, the ideas of qualified candidates for president were not allowed to be heard by the American people during the presidential debates. It is my hope that Congress will pass my legislation and ensure that the un-American practice of silencing qualified for candidates for president is permanently put to a stop. Once again, I urge my colleagues to support this legislation.

#### TRIBUTE TO THEODORE "TED" JAMES

#### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 1, 1999

Mr. MCINNIS. Mr. Speaker, it is with a great deal of sadness that I take a moment to recognize the remarkable life and significant achievements of one of Larimer County's leading businessmen, Theodore "Ted" James. An entrepreneur and developer of Grand Lake Lodge and Hidden Valley Ski Area, Mr. James died at his home on June 8 in Estes Park, CO. While family, friends and colleagues remember the truly exceptional life of Mr. James, I too would like to pay tribute to this remarkable man.

Mr. James was a resident of Estes Park for 46 years; moving to Larimer County in 1953 to run sightseeing buses, two lodges, and a store in Rocky Mountain National Park. During his time in Estes Park, Ted was the president and manager of the Hidden Valley Ski Area, Trail Ridge Store, Grand Lake Lodge, and the Estes Park Inn.

A graduate from Greeley High School, Ted attended the University of Nebraska at Lincoln. During his college career, Mr. James received numerous football awards and was selected by Knute Rockne for the All-West football team. Upon graduating college, with a bachelor's degree in business, Ted played football for the Frankford, PA., Yellowjackets, now known as the Philadelphia Eagles of the National Football League. Many years later, Mr. James was inducted to the Nebraska Hall of Fame at Memorial Stadium.

In 1947, Mr. James was instrumental in merging the Burlington Bus Co. and American Bus Lines to create American Bus Lines in Chicago. With previous experience as the manager of the Greeley Transportation Co., Ted was immediately offered a job as the president and general manager of American Bus Lines Chicago branch.

In 1953, Mr. James was given the opportunity to develop Hidden Valley Ski Area by the Larimer County Park Service. He was a park concessionaire for Hidden Valley, Grand Lake Lodge, and the Trail Ridge Store, as well as operating the Estes Park Chalet.

Mr. James was a member of the Sigma Phi Epsilon fraternity, Scottish Rite and Estes Park Knights of the Belt Buckle. He was commissioner of the Boy Scouts of America in Denver, president of Ski Country USA, and member and director of Denver Country Club.